

# MAINE STATE LEGISLATURE

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REVISED STATUTES

OF THE

STATE OF MAINE

1954

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1961 CUMULATIVE SUPPLEMENT

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ANNOTATED

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IN FIVE VOLUMES

VOLUME 4

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**Discard Previous Pocket Part Supplement**

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THE MICHIE COMPANY  
CHARLOTTESVILLE, VIRGINIA  
1961

## Chapter 174.

### Limitations of Real Actions. Rights of Entry.

**Sec. 2. When right shall begin to run.**—If such right or title first accrued to an ancestor, predecessor or other person under whom the plaintiff claims, said 20 years shall be computed from the time when the right or title first accrued to such ancestor, predecessor or other person. (R. S. c. 160, § 2, 1961, c. 317, § 574.)

**Effect of amendment.**—The 1961 amendment substituted “plaintiff” for “demandant” in this section.

**Sec. 11. Limitation not to take effect in certain cases, when first action fails.**—If the summons and complaint in a real or mixed action fails of sufficient service or return by unavoidable cause, or if by the default or negligence of any officer to whom it was delivered or directed for service, the action is dismissed; or if the action is defeated for any matter of form or by the death or other disability of either party, or if the plaintiff’s judgment is reversed on appeal, the plaintiff may commence a new action at any time within 6 months after the abatement or determination of the first action or the reversal of the judgment. (R. S. c. 160, § 11, 1961, c. 317, § 575.)

**Effect of amendment.**—The 1961 amendment substituted “the summons and complaint” for “a writ” near the beginning of this section, substituted “action is dismissed” for “writ is abated” near the middle of the section, substituted “plaintiff’s”

for “demandant’s” and “appeal, the plaintiff” for “writ of error, the demandant” below the middle of the section and substituted “action” for “suit” near the end of the section.

**Sec. 14. Trespassers on wild lands; notice to quit; return and record; roads privately owned in unorganized territory.**

In roads privately owned in unorganized territory notwithstanding the other provisions of this chapter, no title or interest shall be acquired against the owners thereof by adverse possession, prescription or acquiescence, however exclusive or long continued.

(1961, c. 165.)

**Effect of amendment.**—The 1961 amendment added the paragraph set out above as the second paragraph of this section.

As the first paragraph was not affected by the amendment, it is not set out.

**Sec. 16. Limitations of actions for uncultivated lands in incorporated places.**

**Adverse possession, to create title, does not consist alone of mental intentions,** but must also be based on the existence of physical facts which openly evince a purpose to hold dominion over the land in hostility to the title of the real owner, and such as will give notice of such hostile intent. *Inhabitants of Island Falls v. A. K. R., Inc.*, 157 Me. 147, 170 A. (2d) 395.

**Rule of constructive occupancy.**—Ordinarily where one occupies a portion of land under a deed, his occupancy constructively extends to the whole of the land included in the deed. *Inhabitants of Island Falls v. A. K. R., Inc.*, 157 Me. 147, 170 A. (2d) 395.

**And prerequisites to its application.** — Where more than one lot is conveyed by deed, unless the lots are enclosed by a common fence, embraced under one general description, or in some way merged into one parcel so that the occupation of a portion thereof could not be reasonably referred to anything less than the tract, the rule of constructive occupancy does not apply. *Inhabitants of Island Falls v. A. K. R., Inc.*, 157 Me. 147, 170 A. (2d) 395.

**The burden of proof of title by adverse possession is upon the party asserting it.** *Inhabitants of Island Falls v. A. K. R., Inc.*, 157 Me. 147, 170 A. (2d) 395.